



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/852,962 | 05/10/2001 | Vincent Tauzia | 00RO01554253 | 4908 |

27975 7590 11/26/2003

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

EXAMINER

YENKE, BRIAN P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2614

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,962

Applicant(s)

TAUZIA, VINCENT

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on PreAmendment 10 May 01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-47 (claims 1-13 cancelled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-24 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23-24 and 34-35 recites the limitation "the reading " in lines 2-3 (claims 23, 34) and line 3 (claims 24,35). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-17, 26-28 and 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Raiyat, US 6,493,037.

In considering claims 14-16, 26-28 and 37, 40,

a) the claimed a receiver for receiving a teletext program comprising at least one teletext page comprising a set of data packets, the at least one teletext page including a first data packet comprising at least one label referring to another teletext page, and including a second data packet associated with the first data packet and comprising a page number associated with the at least one label is met where Raiyat discloses receiving (via antenna 1 utilizing tuners 3/23) and decoding data signals including both the TOP and FASTEXT (FLOF) grouped signals and also EPG signals. The exact procedure for receiving and decoding of TOP and FASTEXT signals is disclosed in the applicant's Background of the Invention (pp 1-6).

b) the claimed a demodulator connected to said receiver is met by demodulators 4 and 24 connected to tuners 3 and 23 respectively,

c) the claimed a decoder connected to said demodulator and comprising a memory, said decoder decoding the first and second data packets to obtain the at least one label and the associated page number, and storing the at least one label and the associated page number in said display memory is met by microprocessor 7 and data acquisition circuit 6 which are indirectly coupled to demodulators 4/24, where microprocessor 7 controls which pages are acquired and whether and at what locations in a memory 13 they are stored (Fig 1)(col 4, line 63 to col 5, line 9).

d) the claimed a screen connected to said decoder for displaying an index of the at least one teletext page based upon contents of said memory is met by display device 17 (Fig

1) where the identification data (index) of the received identification data may be displayed in a number of ways as shown in Fig 3a-3c.

In considering claim 17 and 41,

The claimed comprising displaying the index at a user's request based upon contents of the memory is met where the user can display the identification data by request using remote control 10, where the identification displayed is based upon the stored contents of the memory 13.

In considering claim 38,

The claimed wherein said decoder comprises a plurality of logic gates for decoding... is met where multiplexer 25 and data acquisition circuit 6 which may be arranged to acquire all data and enter it into a FIFO memory (Fig 1).

In considering claim 39,

The claimed wherein said decoder comprises a set of software instructions for decoding the first and second data packets is met where microprocessor 7 communication via interface 12 to data acquisition circuit 6 (Fig 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claims 22, 25, 33, 36 and 46-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat, US 6,493,037.

In considering claims 22, 33 and 46,

Raiyat does not explicitly recite a first and second display memory. Raiyat does disclose the display of a teletext page as well as the storage (memory 13) for future display.

As the applicant discloses in the background of the invention, conventional art only stored the received page in a display memory which didn't use a buffer memory prior to display, since the system was unable to store additional teletext pages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Raiyat which discloses the display and storage of teletext data, by displaying a page of a received teletext page (1st memory) if the user desires the display, and by storing the other pages (via memory 13, 2nd memory) in the event the receiver receives multiple pages.

In considering claims 25, 36 and 47,

Raiyat does not explicitly recite "European Telecommunications Standard". However, Raiyat does disclose teletext programs such as FASTEXT (FLOF) and TOP programs in receiving a standard teletext transmission reception.

It is also noted that a standard which applies to European Telecommunications would be a standard based upon a geographical region.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize Raiyat which discloses the reception of teletext

programs including FASTEXT and TOP which are receivable in Europe, by providing a system which is able to receive signals which are transmitted in the particular region the receiving device will be located.

3b. Claims 18-21, 29-32, ~~40~~⁴² and 43-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat, US 6,493,037 in view of Park et al., US 5,635,987.

In considering claim 18, 29 and ~~40~~⁴²,

a) the claimed reading the plurality of labels and associated page numbers from the memory is met where microprocessor 7 reads the labels and page numbers from memory 13

However, Raiyat does not explicitly recite displaying the page numbers. Raiyat discloses a system where the pages/labels can be color coded using color codes R, Y, G and B which are icons on the display (Fig 3a/b/c) and which are also buttons on the remote (Fig 2), where the remote also includes a scroll (S) key to scroll through pages. Raiyat also discloses the displaying of the received teletext programs, where the receiver can receive/display both FASTEXT, EPG, TOP and HabitWatch (favorites) pages.

Although the displaying of page numbers is notorious in the art, the examiner nonetheless incorporates Park et al., US 5,635,987 which discloses displaying teletext information which includes the page numbers (Fig 8a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raiyat which discloses the reception/display of a plurality of teletext data from different programs and displaying respective pages/labels (via color code) next to the source, by also displaying the number of pages of each teletext program as done by Park, to inform the user how many pages are associated with each program.

In considering claims 19, 21, 30, 32, 43 and 45,

Riayat does disclose the list of favorite pages maybe arranged in descending order of desirability and the favorite pages may be sub-grouped by topic (i.e. news, sports, entertainment, weather), thereby meeting the sorting of page numbers and labels by theme.

In considering claims 20, 31 and 44,

Neither the combination of Raiyat, US 6,493,037 and Park disclose sorting labels where the labels can be sorted by alphabetical order.

Riayat does disclose the list of favorite pages maybe arranged in descending order of desirability and the favorite pages may be sub-grouped by topic (i.e. news, sports, entertainment, weather), thereby meeting the sorting of page numbers and labels by theme.

The sorting of a list for display by alphabetical order is notoriously well known in the art. Where it is known that a variety of sorting methods/algorithms could be used, as stated above it is known to sort by page number and theme.

The examiner takes "OFFICIAL NOTICE" in regards to a system which sorts by alphabetical order.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raiyat and Park which discloses a teletext receiving system which displays the page numbers along with the source and label, where the user can sort the index based upon themes of the relevant pages, by also giving the user the option to sort by alphabetical order in order to provide the user the ability to easily navigate through a display alphabetically.

Art Unit: 2614

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

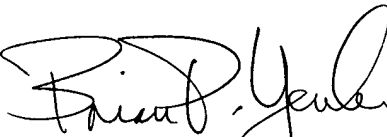
Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.


BRIAN P. YENKE
Patent Examiner
Art Unit 2614


B.P.Y.

November 18, 2003